

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

July 13, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: NM  
DEPUTY

SCOTT NESBITT, RIKKI TAYLOR,  
and TUCKER MACK

Plaintiffs

v.

MOONLIGHT LOGISTICS, INC.,  
ARCHER LOGISTICS, LTD., and  
TRINITY LOGISTICS, INC.

Defendants

CIVIL ACTION NO.  
SA-23-CV-181-OLG

**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

The Court has considered the report and recommendation of United States Magistrate Judge Henry J. Bemporad, filed in the above-styled and numbered cause on June 20, 2023. Docket no. 65. Defendant Trinity Logistics, Inc. filed objections to the recommendation. Docket no. 67.

The Court has conducted an independent review of the record and has reviewed the applicable law. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court agrees with the Magistrate Judge's findings and conclusions and accepts the Magistrate Judge's recommendation.

It is therefore ORDERED that the Magistrate Judge's recommendation (docket no. 65) is ACCEPTED; Plaintiff's motion to remand (docket no. 25) is GRANTED but the request for fees is DENIED; and Defendant Trinity Logistics, Inc.'s motion to

dismiss (docket no. 6) is DENIED AS MOOT. This case is REMANDED to the 25th Judicial District Court, Gonzales County, Texas.

SIGNED on the 13 day of July, 2023.



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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE